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Filed
 FEB 02 2015
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
 COMMISSION

PLAINTIFF,

vs.

SMALL BUSINESS CAPITAL CORP., MARK
 FEATHERS, INVESTORS PRIME FUND, LLC,
 AND SBC PORTFOLIO FUND, LLC

DEFENDANTS.

Case No. CV12-03237-EJD

**MARK FEATHERS' OPPOSITION TO
 COURT ACCEPTANCE OF
 RECEIVER'S 12TH INTERIM REPORT**

AND

**REQUEST OF MARK FEATHERS OF
 THIS COURT TO TAKE
 AFFIRMATIVE ACTION AND TO
 ACCEPT, OR TO NOT ACCEPT, THE
 RECEIVER'S 12TH INTERIM REPORT.**

Judge: Hon. Edward J. Davila

BASIS FOR OPPOSITION TO COURT ACCEPTANCE OF 12TH INTERIM REPORT

Of course Thomas A. Seaman, receiver, can continue to submit the same self-serving garbage reports to the Court. The court only need look at Mark Feathers' prior opposition filings to Seaman's so-called "reports" and his fee requests to gain knowledge of the nature and type of Seaman's self-serving reports. Seaman's reports are not just self-serving for his cause, but also for his agency employer (*prima facie* on appearance), which is plaintiff, SEC. Seaman, of course, can get away with the submission of these garbage reports because Seaman, his counsel, and SEC holds knowledge that no third party expert has ever been approved by this Court to analyze Seaman's reports, nor likely ever will be because this defendant and third party fund investors have been deprived of the ability to

employ counsel by using their own capital in the defendant investment funds since the time of SEC's hidden (aka "sealed") *ex parte prima facie* Complaint, which was replete with SEC's sham financial illustrations (see Court Dockets 126 & 187), which falsely stated Seaman to be a "licensed CPA" (see Court Dockets 274 & 275), for SEC's second consecutive request for Seaman to be appointed, and which Complaint which also was devoid of reference to actual provisions and allowances of the offering documents of the defendant investment funds (see Feathers' motion for summary judgement, Court Dockets 461 & 502).

Seaman's counsel, from his very first SEC receivership in 2004 and through this lawsuit, is Allen Matkins law, who has made more than \$10M during Seaman's appointments. One would have thought, after eight years of working with Seaman by 2012 (the date of injunction), that Allen Matkins was aware that Seaman was "not" a CPA. It is a curious thing, is it not, that only months after Seaman falsely advertised himself in late 2003 to be a "CPA" (see Court Docket 716) that he received his first SEC referred receivership, *and that Allen Matkins was his first choice of law firms at that time.* And, *that Allen Matkins law has also been Seaman's counsel in his last two law suits in which SEC falsely stated Seaman to be a "licensed CPA"*. In these past two SEC lawsuits, Allen Matkins law has stood by idle and silent about these false descriptions of Seaman, while also making more than \$10M cumulatively in SEC lawsuits as Seaman's counsel over the past decade. While Seaman is a tortfeasor, he also appears to be the stooge of Allen Matkins law. And while SEC has conflicts of interest considerations as to repeated employment of the same receiver, *SEC has no similar guidelines for repeated employment of the same law firm in SEC lawsuits.* In fact, SEC has avoided providing, under a Freedom of Information act request of this person, *specific and detailed knowledge about just how many times Allen Matkins law has been employed in SEC lawsuits; see Exhibit "A".*

Quite the trio of un-Constitutional hacks and tortfeasors, these three parties of Seaman, David Zaro, and SEC, isn't it? This defendant request that this Court either accept Seaman's twelfth interim report, or not accept it. If this Court chooses to take no action, this person will appeal this matter to the 9th Circuit.

Dated:

Respectfully,


Mark Feathers, pro se

** SEC relied on Allen Matkins law for this information.*